

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JESSE E. PENA,

Plaintiff,

vs.

AARON KENSINGTON, et al.,

Defendants.

Case No. 2:12-cv-02196-JCM-VCF

**ORDER**

Plaintiff has submitted a motion for a temporary restraining order (#3). A court may issue a temporary restraining order when the moving party provides specific facts showing that immediate and irreparable injury, loss, or damage will result before the adverse party's opposition to a motion for preliminary injunction can be heard. Fed. R. Civ. P. 65. Plaintiff alleges that he was extradited from Texas to Nevada to face criminal charges, and that defendant Kensington transported him. Plaintiff further alleges that defendant Kensington abused him on the journey. Plaintiff asks the court to enjoin defendant Kensington from transporting him back to Texas after the conclusion of the criminal proceedings, which will occur no earlier than February 28, 2013. Plaintiff has not demonstrated that the risk of injury is so immediate that the court need take action before giving defendant Kensington the opportunity to respond.

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1 IT IS THEREFORE ORDERED that plaintiff's motion for a temporary restraining order  
2 (#3) is **DENIED**.

3 DATED: January 9, 2013.

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6 JAMES C. MAHAN  
United States District Judge